

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

|                                  |   |                     |
|----------------------------------|---|---------------------|
| LEEAN WICK,                      | ) |                     |
|                                  | ) |                     |
| Plaintiff,                       | ) | Case No. 03-6182-HO |
|                                  | ) |                     |
| v.                               | ) | ORDER               |
|                                  | ) |                     |
| Commissioner of Social Security, | ) |                     |
|                                  | ) |                     |
| Defendant.                       | ) |                     |
| _____                            | ) |                     |

Plaintiff, Leean Wick, moves for an award of attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$6,833.83.

The Commissioner's decision was reversed and remanded for further proceedings by the Ninth Circuit Court of Appeals making plaintiff a prevailing party. However, the Ninth Circuit declined to award fees pursuant to EAJA indicating that the government's position was substantially justified. Accordingly, plaintiff's

application for an award of attorney fees (#23) is denied.

CONCLUSION

Plaintiff's motion (#23) for attorney fees and expenses under the EAJA is denied.

DATED this 13<sup>th</sup> day of Oct, 2006.

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s/ Michael R. Hogan  
UNITED STATES DISTRICT JUDGE